

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Febvre *et al.*

Appl. No. 09/440,468

Filed: November 15, 1999

For: **Communication Methods and  
Apparatus**

Art Unit: 2749

Examiner: To be Assigned

Atty. Docket: 1487.0150000

**Declaration for Patent Application  
under 37 C.F.R. § 1.47**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Diana Hawthorne, of Inmarsat Limited, do hereby solemnly and sincerely declare as follows:

1. I am responsible for maintenance of the Inmarsat patent portfolio.
2. In February, 1999, my predecessor, Helga Cantrell, instructed James Cross, a Chartered Patent Attorney, of R.G.C. Jenkins & Co., 26 Caxton Street, London SW1H 0RJ, England, to prepare a patent specification for an invention entitled "Communication Methods and Apparatus" that had been made by one (1) employee of Inmarsat Limited and one (1) consultant to Inmarsat Limited. The employee inventor is Paul Febvre. The consultant is David Denis Mudge. The invention was made by the employee inventor in the execution of his normal duties as an employee of Inmarsat Limited. The invention was made by the consultant under a consultancy agreement dated November 1997, a copy of which is attached as Exhibit A. Under British law, the invention, therefore, belongs to Inmarsat Limited.
3. On 8 March 1999, a British patent application was filed as Application No. 9905181.5.
4. On 15 November 1999, a patent application, claiming priority from the aforementioned British Patent Application No. 9905181.5 was filed by our U.S. counsel in the U.S. Patent and Trademark Office designating the two inventors as the applicants.

5. The application filed in the U.S. was identical to the counterpart UK application from which priority was claimed. The description and claims of which had been agreed between the inventors at Inmarsat as part of their work responsibilities during February 1999.

6. On information and belief, on 15 March 1999, Helga Cantrell forwarded a copy of the complete application to David Denis Mudge. This application was identical to the application as it was filed in the U.S. Patent and Trademark Office on 15 November 1999.

7. In December 1999, I forwarded a Combined Declaration and Power of Attorney to David Denis Mudge at his last known address for signature.

8. David Denis Mudge expressed to me concern regarding language used in the Combined Declaration and Power of Attorney, including language citing statutory provisions under 35 U.S.C. § 119, § 365, § 120, § 112, and 37 C.F.R. § 1.56. Between November 1999 and March 2000, I had verbal and written communication with David Denis Mudge to address concerns and answer questions regarding the Declaration.

9. In a telephone communication with me of 30 March 2000, David Denis Mudge verbally refused to sign the Combined Declaration and Power of Attorney. David Denis Mudge gave the following reason for his refusal: despite Inmarsat's best efforts, he does not feel comfortable making the declaration required by U.S. patent procedure.

All statements made herein of my own knowledge are true. All statements made on information and belief are believed to be true. The statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under 18 U.S.C. § 1001 and may jeopardize the validity of the US application or any patent issuing thereon.

Declared at Inmarsat Limited

This 11 day of July 2000

  
Diana Hawthorne

# Combined Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

Docket Number: \_\_\_\_\_

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled \_\_\_\_\_

COMMUNICATION METHODS AND APPARATUS

\_\_\_\_\_, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on \_\_\_\_\_;  
as United States Application Number or PCT International Application Number \_\_\_\_\_; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

(Application No.)	(Country)	(Day/Month/Year Filed)	Priority Claimed
9905181.5	United Kingdom	5 March 1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application No.)	(Filing Date)
_____	_____
(Application No.)	(Filing Date)
_____	_____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
_____	_____	_____
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
_____	_____	_____

Appl. No.  
Docket No.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Robert G. Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; Samuel L. Fox, Esq., Reg. No. 30,353; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013.

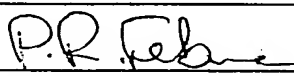
Send Correspondence to:

David K.S. Cornwell  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934

Direct Telephone Calls to:

David K.S. Cornwell  
(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Paul FEBVRE	
Inventor's signature		Date 22/06/2000
Residence	Suffolk, England.	
Citizenship	A British Citizen	
Post Office Address	229 Brittainia Road, Ipswich, Suffolk, IP4 5HF, England.	

Full name of second inventor	David Denis MUDGE	
Second inventor's signature		Date
Residence	London, England.	
Citizenship	A British Citizen	
Post Office Address	44A Handforth Road, Oval, London, SW9 0LP, England.	